

### **REMARKS**

Entry of the foregoing amendments and reconsideration of the subject application are respectfully requested. Claims 3 and 16 have been canceled; claims 1, 4, 6, 8-13, 17, 21, 22 and 25 have been amended; and, new claims 26-31 have been added. Therefore, claims 1-2, 4-15, and 17-31 are pending upon entry of this amendment.

The subject application is a continuation of application ser. no. 09/080,237, filed May 18, 1998, now U.S. Patent No. 6,280,411 ("the '411 patent"). The claims of the subject application have been amended to be consistent with the claims of the '411 patent. In addition, each of independent claims 1, 12 and 25 has been amended to recite that the drug agent is an "anti-proliferative agent." Support for this amendment can be found in the subject application at, e.g., page 9, lines 18-21. Claims 3 and 16 have been canceled in view of the amendments to claims 1 and 12, from which they depend, respectively. Newly added dependent claims 26-31 merely define the "anti-proliferative" agent more specifically.

It is respectfully submitted that the foregoing amendments obviate the outstanding rejections of the claims on prior art grounds. Indeed, essentially these same rejections were made over the same claims during prosecution of the parent application, which issued as the '411 patent. Because the pending claims have been amended in the manner that rendered the claims of the parent application allowable, it is submitted that the pending claims are also allowable for at least the reasons set forth during prosecution of the parent application.

Applicants have also filed herewith a terminal disclaimer to obviate the obviousness-type double patenting rejection over the '411 patent.

Application No. 09/891,420  
Amendment dated September 24, 2004  
Reply to Office Action of April 27, 2004

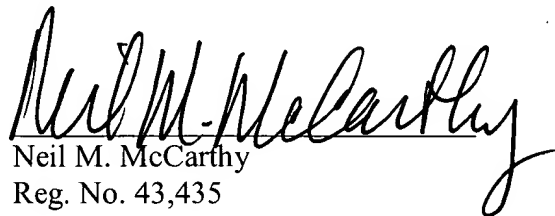
### **CONCLUSION**

It is respectfully submitted that the subject application is now in condition for allowance, which action is earnestly solicited. The Examiner is, upon consideration of the foregoing, invited to contact Applicant's representative, below, to discuss any issue that would expedite allowance.

Respectfully submitted,

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